

REEMPLOYMENT AFTER RETIREMENT

Chapter 13 Contents:

I. Public Employers Not in the FRS.....	13-2
II. Private Employers.....	13-2
III. FRS Employers	13-2
A. Termination Requirement	13-3
B. Reemployment	13-4
C. Exception to Reemployment Limitation	13-5
D. Consequences of Violation	13-6
IV. Second Retirement Benefit – Renewed Membership.....	13-8
V. FRS Investment Plan – Reemployment Provisions	13-14

After retiring under a plan or program in the consolidated Florida Retirement System¹ (FRS), or concluding participation in the Deferred Retirement Option Program (DROP), a retiree may work for any private employer or for any public employer who does not participate in the FRS without affecting FRS retirement benefits as long as they are not providing paid or unpaid services to FRS participating employers. However, these retirees are subject to certain limitations with respect to employment with any FRS employer during the first 12 months of retirement as described in this chapter. Reemployed retirees are also subject to renewed membership provisions as described in Part IV of this chapter (see Page 13-8) and in Part IX of Chapter 1. Reemployment limitations that apply after a service retirement, as well as related exceptions and provisions relevant to renewed membership, are discussed in this chapter.

Disability Retirees

Reemployment provisions discussed in this chapter are not the reemployment limitation that apply to members who retire on disability. A disability retiree cannot work in gainful employment and still continue to receive disability benefits. Disability retirees must discontinue benefits upon reemployment. Under current law, employing agencies of disability retirees are not held jointly and severally liable for failure to discontinue benefits, but are expected to assist disability retirees seeking employment to understand the impact of such employment on their retirement benefits. (See Chapter 10 for information on disability retirement.)

¹ See Part III for a description of plans and programs included within the consolidated Florida Retirement System. Note that special reemployment provisions for Investment Plan members only are discussed in Part V of this chapter.

I. PUBLIC EMPLOYERS NOT IN THE FRS

A member who retires under the consolidated FRS may work for any public employer not participating in the FRS without affecting retirement benefits as long as they are not providing paid or unpaid services to FRS participating employers. A member who works for a public employer that has withdrawn from the FRS for future employees must meet the definition of termination to finalize retirement. This includes remaining off employment with the withdrawn employer until termination is met.

II. PRIVATE EMPLOYERS

When an employee retires from the consolidated FRS, the employee may work for any private employer without affecting retirement benefits as long as they are not providing paid or unpaid services to FRS participating employers.

III. FRS EMPLOYERS

Under the consolidated Florida Retirement System², an employee must have a bona fide termination from all FRS participating employers for the first six calendar months of retirement or the first six calendar months after DROP termination date. See Termination Requirement and Reemployment Limitation below for information about restrictions during the first 12 calendar months of retirement.

² The consolidated Florida Retirement System includes the following state-administered retirement systems: The FRS Pension Plan and FRS Investment Plan under Parts I and II of Chapter 121, Florida Statutes; the State University System Optional Retirement Program (SUSORP) under section 121.35, Florida Statutes, the Senior Management Service Optional Annuity Program (SMSOAP) under section 121.055(6), Florida Statutes, and the State Community College System Optional Retirement Program (SCCSORP) under sections 121.051(2)(c) and 1012.875, Florida Statutes; the Teachers' Retirement System (TRS) administered under Chapter 238, Florida Statutes; and the State and County Officers and Employees' Retirement System (SCOERS), administered under Chapter 122, Florida Statutes.

A. TERMINATION REQUIREMENT

(1st – 6th calendar months of retirement)

There is a termination requirement that affects a member's retirement benefit if the member is employed by or provides services to an FRS participating employer during the first 12 calendar months of retirement without DROP participation or 12 calendar months after the DROP termination date.

The first six calendar months of a member's retirement require the member to be terminated. The member must meet the definition of termination by terminating all employment relationships with all FRS participating employers for the first six calendar months of the retirement or the first six calendar months after the DROP termination date. This includes providing any service, whether paid or unpaid, to any FRS participating employer, even if that service is provided through a third-party company or as an independent contractor.

If the member does not meet the definition of termination, the member's retirement will be voided. The member and the employing agency are jointly and severally liable for repaying any retirement benefits the member receives (including a DROP payout) while working or providing services to an FRS participating employer during this required termination period.

Voiding a member's retirement applies even if the position the member holds is not covered by the FRS but is with an FRS employer. This restriction also applies to employment with the same employer if the agency withdrew from the FRS effective Jan. 1, 1996, for newly hired employees.

Tax Penalties, Surrender Charges

The member may be subject to federal income tax penalties and surrender charges for withdrawing the DROP accumulation if the member rolled over the DROP accumulation to an eligible plan.

Reapplication Required

After membership is reinstated, the member must submit a new retirement application, with a later effective date, to establish a new effective retirement date (see Chapter 9, Part IV), and, if still eligible for DROP, must reapply for DROP (see Chapter 9, Part XIV) to reenroll in the program.

For questions regarding termination, please contact the Division of Retirement. You may call the division toll-free at 844-377-1888 or 850-907-6500.

STATUTORY REFERENCE:

Sections 121.021(39), 121.091(9) and 121.30, Florida Statutes

FRS RULE REFERENCE:

Sections 60S-4.012, 6.001(63), and 11.004(9), (10), and (13), and 60V-1.003(2), 3.003(2), Florida Administrative Code

B. REEMPLOYMENT LIMITATION

(7th –12th calendar months of retirement)

Retirees of the consolidated FRS³, including those who are concluding DROP participation, are also prohibited from providing paid or unpaid services to or receiving a salary from an FRS employer during the same month a retirement benefit is received in the remainder of the 12 calendar months after meeting the definition of termination and the effective retirement date without DROP participation or their DROP termination date.

Notice Required

The division must be informed whenever an FRS retiree returns to employment with an FRS employer during the reemployment limitation period after meeting the definition of termination.

Suspension and Repayment of Benefits Required

Upon receipt of this notice, the retiree's benefits will be suspended for the months employed during the restricted period (see Page 13-6) and remain suspended until the benefits received in violation are repaid. Retirement benefits received in violation of reemployment limitation will not be paid to the retiree. See Suspension and Repayment of Benefits under Consequences of Violation for more information. The retiree and the employing agency are responsible for the repayment of benefits received in violation before notification and suspension of benefits.

Forms

The affected employee should submit a [Form FR-23](#), Notification of Reemployment for Suspension of Retirement Benefits, to notify the division to suspend retirement benefits. [Form FR-23a](#), Application to Reactivate Retirement Benefits, should be submitted to the division to reactivate the account.

NOTE: Special reemployment exceptions apply with respect to elected officers in the EOC who terminate their participation in DROP (see Page 13-5), and with respect to elected officers who were dually employed at the time of retirement from the non-elected position (see Chapter 1, Part IV, section J).

For questions regarding reemployment limitation, please contact the Division of Retirement. You may call the division toll-free at 844-377-1888 or 850-907-6500.

STATUTORY REFERENCE:

Sections 121.051(2)(c)5., 121.055(6)(e), 121.091(9), 121.30, 121.35(5)(a), 122.16, and 238.181, Florida Statutes

FRS RULE REFERENCE:

Sections 60S-4.012, 4.021, 6.001(63), and 11.004(9), (10), and (13), and 60V-1.003(2)-(3), 3.002(5), 3.003(2), Florida Administrative Code

³ See footnote 2 on Page 13-2 for a description of plans and programs in the consolidated FRS. Also, see Part V for special provisions that apply to retirees of the FRS Investment Plan.

C. EXCEPTION TO REEMPLOYMENT LIMITATION

Effective March 9, 2018, there is one exception to the reemployment limitation after retirement. If you are a retired law enforcement officer, you may be reemployed as a school resource officer by an employer that participates in the FRS during the seventh through twelfth calendar months after your retirement date or after your DROP termination date and receive both your salary and retirement benefits.

Notice Required

Any affected reemployed retiree or DROP participant who is not eligible for an exception should timely notify the Division of Retirement. Upon receipt of this notice, the retiree's benefits will be suspended for the balance of the restricted period (see Page 13-6).

DROP Termination Dates or Non-DROP Retirements Effective On or After July 1, 2010

If reemployed during this limitation period, any retirement benefits received in violation must be repaid; the retiree and the employing agency are responsible for repayment.

Any affected reemployed retiree or DROP participant who is reemployed during this limitation period should timely notify the Division of Retirement. You may call the division toll-free at 877-377-1266 or 850-907-6540, or email enrollment@dms.fl.gov.

Upon receipt of this notice, the retiree's benefits will be suspended for the months employed during the restricted period (see Page 13-6) and remain suspended until the benefits received in violation are repaid. The retiree and the employing agency are responsible for the repayment.

D. CONSEQUENCES OF VIOLATION

Suspension and Repayment of Benefits

Any FRS Pension Plan retiree who is improperly reemployed or providing services with or without compensation after retirement or conclusion of DROP will be notified by the division, with a copy to the employing agency, of the benefits overpaid and the amount due the FRS Trust Fund. The retiree and FRS participating employer are jointly and severally liable for repayment of any benefits improperly received. Retirement benefits will remain suspended until repayment has been made. Retirement benefits received in violation of the reemployment limitation will never be paid to the retiree. See the Ready.Set.Retire Guide located on our website at frs.myflorida.com for more information. The retiree is also responsible for payment of health insurance premiums or any other payments that would otherwise be deducted from the retirement benefit during the period of suspension.

Agency Liability

In 1990, the reemployment-after-retirement provisions were amended to hold the reemployed retiree and the employing agency jointly and severally liable for repayment of forfeited benefits due to a termination violation or benefits that should have been suspended due to the retiree's reemployment or service provided during the 12 calendar month limitation period. You may wish to review your procedures to assure that the division is properly notified whenever a retired member of the FRS Pension Plan⁴, TRS, or SCOERS or a former DROP participant is hired or provides a service to your agency during the first 12 calendar months of retirement.

If you employ a retiree, directly or indirectly, in violation of the termination requirement as described on Page 13-1 the employee's retirement and DROP status are voided. For a DROP participant, FRS membership will be reinstated retroactively to the date of DROP commencement, and the agency will be required to pay to the FRS Trust Fund the difference, if any, between the DROP contributions paid and the contributions required for the FRS class of membership during the period the member participated in DROP, plus 6.5 percent interest compounded annually. A refund may be provided to the employer if the amount of DROP contributions paid is greater than the FRS contributions required.

If you employ a retiree, directly or indirectly, in any capacity during the reemployment limitation period in the seventh through the twelfth months after the effective retirement date or DROP termination date, you should notify the Division of Retirement on [Form FR-23](#), Notification of Reemployment for Suspension of Retirement Benefits, to suspend the retiree's benefits. (See Pages 13-6 through 13-8 for exceptions prior to July 1, 2010). You may call the division toll-free at 877-377-1266 or 850-907-6540, or email enrollment@dms.fl.gov. Upon receipt of this notice, the employee's benefits will be suspended until the division is notified to reinstate them on [Form FR-23a](#), Application to Reactivate Retirement Benefits. Benefits that would otherwise be paid during the period of suspension are forfeited.

The agency and the retiree are jointly and severally liable for repayment of benefits received if there is a violation of termination or reemployment limitation.

⁴ See Part V for special provisions that apply to retirees of the FRS Investment Plan.

Statement of Retiree at Hire

While the following statement is intended only as a guide, it may be helpful to you:

I. Name _____ SS# _____
Agency Name _____

Please complete Part II or Part III, as applicable.

II. I am not retired from any Florida state-administered retirement plan nor have I concluded participation in the Deferred Retirement Option Program (DROP) within the past 12 months.

Signed _____
Date _____

III. I am retired from the _____ Retirement System.
The effective date of my retirement or conclusion of DROP was _____.

I understand that:

- If I am employed by an FRS employer in any type of position (temporary, seasonal, part-time or full-time, or regularly established position) during the first six calendar months after I retired or ended my participation in DROP under a State of Florida administered retirement system, my retirement and DROP status is voided, all retirement and DROP benefits I received must be repaid, and I must reapply for retirement benefits before my retirement will be effective.
- If I am reemployed at any time from the seventh through the twelfth month after my retirement or DROP termination date, my monthly retirement benefit must be suspended during these months of my retirement.

Signed _____
Date _____

CERT Form

You may also use the [CERT Form](#), FRS New Employee Certification Form, for this purpose.

STATUTORY REFERENCE:

Sections 112.05, 121.091(9), 121.30, 122.16, and 238.181, Florida Statutes

FRS RULE REFERENCE:

Section 60S-4.012, Florida Administrative Code

IV. SECOND RETIREMENT BENEFIT – RENEWED MEMBERSHIP

Retirees of the FRS Investment Plan, the SUSORP, the SMSOAP or the SCCSORP who are employed on or after July 1, 2017, are eligible for renewed membership.

- These renewed members must participate in the FRS Investment Plan unless the position is covered by the SUSORP or the SCCSORP when the member is initially enrolled.
- A renewed member who participates in the FRS Investment Plan and later becomes employed in a position covered by the SUSORP or the SCCSORP must continue Investment Plan membership unless he or she is employed in a position with a university that requires mandatory SUSORP participation.
- This new tier of renewed membership allows renewed members employed in a Special Risk Class-covered position to participate in the Special Risk Class.

Retirees initially enrolled on or after July 1, 2010, through June 30, 2017, are not eligible for renewed membership under any of the state-administered retirement programs, the SCCSORP, or to withdraw from the FRS as a local government senior manager. This restriction includes retirees of the FRS Pension Plan, the FRS Investment Plan, the SMSOAP, the SUSORP, the SCCSORP, and withdrawn local government senior managers.

Effective July 1, 1990, renewed membership was only for reemployed retirees in positions covered by the Elected Officers' Class⁵. Effective July 1, 1991, through June 30, 2010, any retiree of a state-administered retirement system reemployed with a covered employer in a regularly established position was enrolled as a renewed member; eligible to receive an additional retirement benefit based on the member's service as a renewed member. Regular Class and Elected Officers' Class membership were the only classes available initially with the Senior Management Service Class⁶ being added later. Reemployed retirees enrolled as renewed members whose positions are not covered by the Elected Officers' Class or the Senior Management Service Class are enrolled in the Regular Class, including employees in special risk eligible positions. Since June 1, 2002, renewed members may elect to transfer to the FRS Investment Plan as described in Chapter 1, Part IV, and in Chapter 9, Part XV. In many ways, renewed membership for retirees is like initial plan membership under the system, including having a choice between the FRS Pension Plan and the FRS Investment Plan if enrolled as a renewed member prior to July 1, 2010.

Upon enrollment as a renewed member, the employer and the employee pay all applicable employer and employee contributions (see Chapter 2, Part II). Renewed members may buy additional retirement credit for certain postretirement service as described in this part. Any renewed member who is not already receiving the maximum health insurance subsidy provided by law can earn credit toward the maximum. To receive a retirement benefit for the renewed service, the renewed member must resatisfy the same age and service requirements (see Chapter 9) and, upon retirement, the member must again meet any applicable termination and reemployment limitation (see Page 13-2). However, in some respects, plan provisions can differ for renewed members. For example, no renewed member is eligible for disability benefits (see Chapter 10) or Deferred Retirement Option Program participation.

⁵ Since July 1, 1977, retired elected officers have been allowed to receive credit for their post-retirement service as an elected officer eligible for membership in the Elected Officers' Class (then known as the Elected State Officers' Class). Renewed membership has been compulsory for such retired elected officers since July 1, 1990.

⁶ Effective July 1, 1997, the law was amended to provide that any retiree employed in a position included in the Senior Management Service Class (SMSC) would be enrolled as a compulsory renewed member of the SMSC (see Page 13-10).

Special provisions may apply for elected officers or senior managers with renewed membership, as described below and on Page 13-10:

Renewed Members Serving in Elective Office

Membership in the Elected Officers' Class (EOC) is required for any retired member of the FRS or any existing system who, on July 1, 1990, through June 30, 2010, is serving in, or is elected or appointed to, an elective office covered by the EOC, except as provided on Page 13-5 for elected officers who are participating in DROP and eligible for an exemption. (See Page 13-11 for information on retirement credit reemployed retirees may claim.) A retiree with renewed FRS membership is not entitled to disability benefits, is not eligible to participate in the Deferred Retirement Option Program (DROP), and is not eligible to be enrolled in the Special Risk Class.

An elected officer elected to a position covered by the EOC on or after July 1, 1997, and initially enrolled by June 30, 2010, may choose to be a member of the Senior Management Service Class (SMSC) in lieu of the EOC by notifying the division in writing or on [Form EOC-1](#), Ballot Form for Employees of EOC, within six months of assuming office (a window period from July 1, 1997, through Dec. 31, 1997, was provided for elected officers who were elected before July 1, 1997). As an SMSC member, a state elected officer may transfer to the Senior Management Service Optional Annuity Program (SMSOAP) within 90 days of joining the SMSC, and a county, city, or special district elected officer may elect to withdraw from the FRS altogether.

When the retiree who is initially reemployed before July 1, 2010, should complete a new beneficiary designation form ([Form BEN-001](#) or [IPBEN-1](#)) to name one or more beneficiaries for the period of reemployment (this will not affect the beneficiary named for the first retirement). The retiree should also complete [Form EOC-1](#).

The reporting unit must report each reemployed retiree. Retirees must be reported on the monthly retirement report under the appropriate retirement plan and the appropriate class code as specified in Chapter 1, Part IV, section E. Contribution rates for renewed members are shown in Chapter 2, Part II. (See the SMSC renewed member section on Page 13-10 for an elected officer who elects to be a member of the SMSC.)

STATUTORY REFERENCE:

Section 121.053, Florida Statutes

FRS RULE REFERENCE:

Section 60S-1.0055(4), Florida Administrative Code

Renewed Members Employed as Senior Managers

From July 1, 1997, through June 30, 2010, every reemployed retiree initially enrolled during this period who is filling a regularly established position included in the SMSC is a compulsory member of the SMSC. The reemployed retiree will be eligible to receive another retirement benefit after earning the additional service credit required to vest in the FRS. As a member of the SMSC, a state employee may transfer to the Senior Management Service Optional Annuity Program (SMSOAP) within 90 days of becoming a member of the SMSC, and a local employee may at any time withdraw from the FRS altogether. Both state and local employees who are members of the SMSC may elect to transfer to the FRS Investment Plan as described in Chapter 1, Part IV, and in Chapter 9, Part XV. (See Page 13-11 for information on retirement credit reemployed retirees may claim.) A retiree with renewed FRS membership will not be entitled to disability benefits and will not be eligible to participate in the Deferred Retirement Option Program (DROP).

The 12-month reemployment limitation applies to all retirees with renewed membership except elected officers (see Page 13-5). Reemployed retirees are also restricted from being employed by an FRS employer during the required termination period to finalize retirement (see Chapter 1, Part VIII).

The reemployed retiree should complete a new beneficiary designation form ([Form BEN-001](#) or [IPBEN-1](#)) to name one or more beneficiaries for any benefit earned for the period of reemployment (this will not affect the beneficiary named for the first retirement).

- The reporting unit must report the reemployed retiree on the payroll report in order to enroll and establish a new retirement account for the member.
- The reemployed retiree must be reported on the monthly retirement report under the appropriate retirement plan and contribution rate and the approved position number, as provided to you by the division. (See Chapter 1, Part IV, section F and Chapter 2, Part II, for reporting and rate information.)

All Other Renewed Members (Nonelected and Non-SMSC Members)

All retirees reemployed in regularly established positions (except those elected or appointed to an elective office covered by the EOC or SMSC) will be enrolled as members of the Regular Class if initially reemployed by June 30, 2010. Renewed members will be allowed to elect membership in the FRS Pension Plan or Investment Plan. The reemployed retiree will be eligible to receive another retirement benefit after earning the additional service credit required to vest under the FRS plan in which the renewed member elects to participate (see Page 13-11 for information on retirement credit reemployed retirees may claim). A retiree with renewed FRS membership is not entitled to disability benefits, is not eligible to participate in the Deferred Retirement Option Program (DROP), and is not eligible to be enrolled in the Special Risk Class.

The 12-month reemployment limitation applies to all retirees with renewed membership in the FRS (including SMSC members), (see Page 13-5). However, retirees of either the FRS Pension Plan or Investment Plan are restricted from being employed by any FRS employer during the required termination period⁷ after retirement or termination from DROP (see Page 13-1).

⁷ The required termination period after retirement or DROP termination date is one calendar month if the effective retirement date or DROP termination date is before July 1, 2010. The required termination period after retirement or DROP termination date is six calendar months if the effective retirement date or DROP termination date is on or after July 1, 2010.

- A reemployed retiree should complete a new beneficiary designation form ([Form BEN-001](#) or [IPBEN-1](#)) to name one or more beneficiaries for the period of reemployment (this will not affect the beneficiary or beneficiaries named by the retiree for the retiree's prior retirement).
- The reporting unit must report the reemployed retiree in either the Pension or the Investment Plan on the payroll report in order to enroll and establish a new retirement account for the member.

As a renewed member, the retiree must be reported on your monthly retirement report under the appropriate retirement plan and contribution rate as shown in Chapter 1, Part IX and Chapter 2, Part II.

STATUTORY REFERENCE:

Section 121.122, Florida Statutes

FRS RULE REFERENCE:

Section 60S-1.0045, Florida Administrative Code

Credit for Previous Uncredited Post-Retirement Service

Under the FRS Pension Plan, renewed members may claim credit for their earlier uncredited post-retirement service, as follows:

- A renewed member may purchase credit under the EOC for the member's post-retirement service earned prior to July 1, 1990⁸, in a regularly established position covered by the EOC, to be used in the calculation of the "second-career" retirement benefit. The renewed member or the employer may purchase this service.
- A renewed member of the SMSC may purchase credit under the SMSC for the member's post-retirement service earned before July 1, 1997, in a regularly established position covered by the SMSC to be used in the calculation of the "second-career" retirement benefit⁹. The renewed member or the employer may purchase this service credit.
- A renewed member may buy credit under the Regular Class for the member's post-retirement service earned in a regularly established position in any class other than the EOC before July 1, 1991, and apply it toward the "second-career" retirement benefit. The renewed member or the employer may purchase this post-retirement service.

The cost for this service may be obtained by submitting a request to the Division of Retirement. If the purchase request includes service in a regularly established position performed before July 1, 1985, certification of the positions held and certification of monthly earnings must also be submitted. If you have questions about this type of service credit purchase, please contact the Division of Retirement. You may call the division toll-free at 877-377-1266 or 850-907-6540, or email enrollment@dms.fl.gov.

⁸ Before this date, affected retirees earned no credit for periods of post-retirement employment.

⁹ Any member who was in a regularly established position in 1991 would be enrolled as a Regular Class member for service from that date forward. The member would be required to buy service credit for service before 1991 and could upgrade credit for service between 1991 and 1997.

Employment after Forfeiture

Whenever a member who has forfeited benefit rights under the forfeiture laws (see Chapter 12, Part X) is subsequently reemployed by an FRS employer, the renewed member will be eligible for benefits based on creditable service earned after the reemployment, but will not be eligible to claim as creditable service any prior period of service for which the member was required to forfeit all rights and benefits (other than personal contributions).

Vesting

To qualify for a “second-career” retirement benefit, the reemployed retiree must earn enough service credit in the reemployed position to vest. Members of the FRS Investment Plan will vest upon completing one year of service as a renewed member. Members of the FRS Pension Plan will typically vest upon completing six years of service as a renewed member¹⁰. This service may include service in a regularly established position that was performed after the first-career retirement date and before the renewed membership date¹¹. (For more on claiming this service, see Chapter 7, section III, subsection I.)

Contributions

The employer and the employee pay all applicable employer and employee contributions for renewed members. (For applicable rates, see Chapter 2, Part II.)

Benefit Calculation

“Second-career” retirement benefits are calculated using the same formula as first-career service retirement benefits (Years of Service × Percentage Value Per Year of Service × Average Final Compensation). The second-career benefit is calculated independently of the original benefit. All service as a renewed member, regardless of class, will be applied toward the second-career retirement, but only the service and salary earned during the second career will be used in the calculation of the renewed membership benefit. No creditable service that was received or remained unclaimed during the first career of service may be claimed or applied toward the second-career retirement. If, at the time of the second-career retirement, the renewed member has neither reached age 62 nor earned 30 years of service in the second career, the second career benefit will be reduced by 5 percent for each year remaining until the member would reach age 62. To apply for a benefit, the renewed member must complete [Form FR-11](#), FRS Application for Retirement. A retirement option must be chosen and a beneficiary must be designated (which may be different from the member’s original retirement option and beneficiary).

STATUTORY REFERENCE:

Sections 121.021(45), 121.053, 121.091(1), 121.122, and 121.71, Florida Statutes

FRS RULE REFERENCE:

Sections 60S-1.0045, 2.008, 3.003, 4.003(1)(b), and 4.012, Florida Administrative Code

¹⁰ Renewed members who have renewed service before July 1, 2001, but were not employed in a regularly established position with an FRS employer on July 1, 2001, may be subject to different vesting requirements (see Chapter 9, Part I, for details).

¹¹ A renewed FRS Pension Plan member may buy credit as a reemployed retiree for uncredited post-retirement service (service before credit was provided for post-retirement employment). The purchased credit will be used in calculating the “second-career” retirement benefit. The reemployed retiree or the employer may purchase this service.

Health Insurance Subsidy

If a renewed member of the FRS Pension Plan or the FRS Investment Plan is receiving an HIS benefit along with the member's original retirement benefit that is less than the maximum HIS benefit allowed by law, if the renewed member vests and earns a "second-career" retirement, the member will be eligible for an additional HIS benefit based on the second-career service. However, the total HIS benefits received for all service may not exceed the statutory maximum of \$150 a month.

A renewed member who originally retired under the FRS Investment Plan, but did not qualify to receive an HIS benefit at that time, may be able to earn sufficient additional service credit as a renewed member (or may reach the required normal retirement age) to qualify to receive an HIS benefit based upon the member's additional service as a renewed member. (See section II of Chapter 12 for HIS eligibility requirements.)

COLAs

Pension Plan retirees receiving a "second-career" benefit will receive a 3 percent cost-of-living adjustment (COLA) of this benefit on July 1 of each year following retirement if their retirement is effective before Aug. 1, 2011. If the second career retirement is effective on or after Aug. 1, 2011, the Pension Plan retiree will receive an individually calculated COLA that is reduced from 3 percent. The reduction formula is the total years of service through June 30, 2011, divided by the total service at retirement with this number multiplied times 3 percent. The amount of the first cost-of-living increase will be prorated if the retiree has not received benefits for a full year.

Survivor Benefits

Certain beneficiaries of renewed members of the FRS Pension Plan may be eligible for two survivor benefits (one for each career of service), subject to the requirements of section 121.091(7), Florida Statutes.¹²

Disability Benefits

Renewed members are not eligible for disability benefits.

DROP

Renewed members are not eligible to participate in the Deferred Retirement Option Program.

Investment Plan

Effective June 1, 2002, through June 30, 2010, renewed members are eligible to participate in the FRS Investment Plan instead of the FRS Pension Plan if they choose. Effective July 1, 2017, retirees of a state-administered defined contribution plan employed in a regularly established position must be enrolled in the FRS Investment Plan unless the position is covered by a different state-administered retirement plan.

STATUTORY REFERENCE:

Section 121.122, Florida Statutes

FRS RULE REFERENCE:

Sections 60S-1.0045 and 4.010, Florida Administrative Code

¹² For example, if a member retires with an Option 3 benefit (providing a continuing lifetime benefit to the member's spouse) and subsequently returns to FRS employment where he is killed in the line of duty while a renewed member, his spouse would be eligible for both regular and in-line-of-duty survivor benefits.

V. FRS INVESTMENT PLAN – REEMPLOYMENT PROVISIONS

The State Board of Administration (SBA), which administers the FRS Investment Plan, has published a detailed summary of post-retirement reemployment restrictions online at [MyFRS.com](https://myfrs.com).

If you have questions about termination, retirement, or reemployment restrictions under the Investment Plan, call the Employer Assistance Line at 866-377-2121. Employees with questions concerning termination or retirement should contact Aon Hewitt, the third-party administrator for the FRS Investment Plan, at 866-446-9377, Option 4. Employees with reemployment questions should contact Ernst & Young, the financial guidance provider for the Investment Plan, also at 866-446-9377, Option 1. Both are toll-free numbers.

STATUTORY REFERENCE:

Sections 121.021(39), 121.091(9)(c), 121.4501(2)(j), and 121.591(1)(a)4., Florida Statutes